



**Peggy
Livingston/ENF/R8/US
EPA/US**

11/16/2007 09:19 AM

To KMurray@mac.com, KMurray@chapman.com

cc .

bcc Daniela Golden/ENF/R8/USEPA/US@EPA; Maureen
OReilly/ENF/R8/USEPA/US@EPA; Kathryn
Hernandez/EPR/R8/USEPA/US@EPA;
MElmer@enrd.usdoj.gov

Subject Fw: Scan to Email from 6251mr

Kevin: Here is a scanned copy of the EPA form of letter of credit. Could you please submit your letter of credit in this format? Thanks.

Peggy Livingston
Senior Enforcement Attorney
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6858 (phone)
303-312-7202 (fax)

Please note new street address and fax number.

----- Forwarded by Peggy Livingston/ENF/R8/USEPA/US on 11/16/2007 09:17 AM -----



**Mail
R8Printer/R8/USEPA/U
S@EPA**

11/16/2007 09:14 AM

To Peggy Livingston/ENF/R8/USEPA/US@EPA

cc

Subject Scan to Email from 6251mr



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**[CERCLA Financial Assurance Sample Letter of Credit - Draft of December
2004]**

[Letterhead of Issuing Bank]

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER:

[_____]

ISSUANCE DATE: [_____]

MAXIMUM AMOUNT: [U.S.\$ _____]

BENEFICIARY:

U.S. Environmental Protection Agency
c/o [Name of Regional Superfund Director]
Director, Superfund Division, EPA Region []
[Address]

APPLICANT:

[Name of Settling Defendant]
[Title if applicable]
[Address]

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. [] in your favor, at the request and for the account of the Applicant, [Insert name of Settling Defendant], in the amount of exactly [in words] U.S. dollars (\$XX.XX) (the "Maximum Amount"). We hereby authorize you, the U.S. Environmental Protection Agency (the "Beneficiary"), to draw at sight on us, [Insert name and address of issuing bank], an aggregate amount equal to the Maximum Amount upon presentation of:

(1) your sight draft, bearing reference to this Letter of Credit No. [] (which may, without limitation, be presented in the form attached hereto as Exhibit A); and
(2) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to [that certain Consent Decree, dated _____, 20____, by and among the United States and _____], entered into by the parties thereto in accordance with the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)."

This letter of credit is effective as of [insert issuance date] and shall expire on [a date at least 1 year later], but such expiration date shall be automatically extended for a period of [at least 1 year] on [the date which is at least 1 year later] and on each successive expiration date, unless, at least one hundred twenty (120) days before the current expiration date, we notify both you and [enter name of Settling Defendant posting the letter of credit] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall immediately thereupon be available to you upon presentation of your

sight draft for a period of at least 120 days after the date of receipt by both you and [enter name of Settling Defendant posting the letter of credit] of such notification, as shown on signed return receipts.

Multiple and partial draws on this letter of credit are expressly permitted, up to an aggregate amount not to exceed the Maximum Amount. Whenever this letter of credit is drawn on, under, and in compliance with the terms hereof, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft in immediately available funds directly into such account or accounts as may be specified in accordance with your instructions.

All banking and other charges under this letter of credit are for the account of the Applicant.

This letter of credit is subject to the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce.

Very Truly Yours,

[Name and address of issuing institution]

[Signature(s), name(s), and title(s) of official(s) of issuing institution]

[Date]